

Schena, Cristeen

From: Dahl, Donald
Sent: Thursday, October 23, 2014 5:20 PM
To: Flores, Priscilla (Feliciano)
Subject: RE: Cape Wind- New Bedford - BOEM - Ocean Port

I do not think we need something like this. I doubt he will be looking for more than what I sent in the e-mail so closing out sounds like a good option. Is there a process problem if we need to reopen a FOIA? .

Donald Dahl
Air Permits
EPA New England
(617) 918-1657

From: Flores, Priscilla (Feliciano)
Sent: Thursday, October 23, 2014 1:44 PM
To: Dahl, Donald
Subject: FW: Cape Wind- New Bedford - BOEM - Ocean Port

Per my previous email.

From: Leavy, Jacqueline
Sent: Friday, October 17, 2014 12:20 PM
To: Flores, Priscilla (Feliciano)
Subject: FW: Cape Wind- New Bedford - BOEM - Ocean Port

From: Fnhaggerty@aol.com [<mailto:Fnhaggerty@aol.com>]
Sent: Friday, October 17, 2014 11:41 AM
Subject: Cape Wind- New Bedford - BOEM - Ocean Port

Today October 17, 2014 Where Is The Project Revision To Use New Bedford for Cape Wind Construction ?

After the announcement by Cape Wind on September 12, 2014 to file a project revision to use New Bedford as the staging and construction port for Cape Wind I sent a FOIA, Freedom of Information Act request to the Bureau of Ocean Energy Management on September 22, 2014 asking for a copy of the request that was promised to be made by September 16, 2014

The file is attached as a PDF and it has been made clear that BOEM will not respond until after the election November 4, 2014

The inability to respond until after the elections makes it "Time To Ask Questions" . Any hope of investigative journalism rather than just reporting by omissions ? Has Cape Wind filed a project revision and a new environmental review to use New Bedford as an ocean wind port staging and construction facility ? If not why not ?

From: boemfoia@boem.gov
To: Fnhaggerty@aol.com
CC: jessica.stromberg@boem.gov
Sent: 10/1/2014 11:16:45 A.M. Eastern Daylight Time
Subj: Re: Cape Wind LLC - Project Revisions Request

Dear Mr. Haggerty,

Please see the attached correspondence regarding your request to the Bureau of Ocean Energy Management (BOEM) for a copy of the modification to Cape Wind's Construction and Operations Plan seeking BOEM's authorization to use the Massachusetts Marine Commerce Terminal in New Bedford as a staging area.

If you have any questions, please feel free to call us at (703) 787-1315, or email us at boemfoia@boem.gov.

Sincerely,

Rosemary Melendy
FOIA Officer
Bureau of Ocean Energy Management

On Mon, Sep 22, 2014 at 9:04 AM, <Fnhaggerty@aol.com> wrote:

September 22, 2014 9 AM

To : Jessica Stromberg , Program Manager Office of Renewable Energy Programs

Cc: BOEM FOIA Officer HM3127 , Walter Cruickshank
From: Frank Haggerty

Re: Cape Wind Associates, LLC, (Energy Management Inc. (EMI)) most recent request for modification / project revision. Cape Wind LLC - Project Revisions Request After Sept 10, 2014.

I am requesting the project revision request or changes request to the Cape Wind construction port to New Bedford, Massachusetts. The letter (see below) requesting the changes was made public by Cape Wind.

According to Cape Wind LLC the Bureau of Ocean Energy Management should have received the request for modification to construct ocean wind turbines by September 16,2014

This information is routinely available for public inspection, including records from docketed cases, broadcast applications and related files, petitions for rulemakings, various legal and technical publications, legislative history compilations, etc

Please provide a PDF , link to the BOEM "electronic reading room" or any other method used to make this public.

Below is a news article which states a request was sent to BOEM on September 16, 2014

I would like a copy of the most recent correspondence to BOEM from Cape Wind regarding the construction of wind turbines at New Bedford, Massachusetts

Thanks Frank Haggerty

Statement issued by Cape Wind President Jim Gordon
Article | [Letters to the Editor](#) | September 12, 2014 - 3:30pm

"I am pleased to announce today that Cape Wind intends to file on Tuesday with the Bureau of Ocean Energy Management (BOEM) a modification to its Construction and Operations Plan to seek BOEM's authorization to use the Massachusetts Marine Commerce Terminal in New Bedford as a staging area. Following BOEM's review and approval of the request, Cape Wind will enthusiastically advance its plans to use New Bedford as a staging area. I am also pleased that Cape Wind and the Massachusetts Clean Energy Center have signed a lease for Cape Wind to become the first of many tenants of the Massachusetts Marine Commerce Terminal in New Bedford."

Click here to read the entire article

<http://www.capecodtoday.com/article/2014/09/12/26922-open-letter-thanks-governor-patrick>

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Department of the Interior
Bureau of Ocean Energy Management
381 Elden St., HM-3127
Herndon, VA 20170

FOIA Request Mailbox: boemfoia@boem.gov
FOIA Requester Service Center: (703) 787-1818
FOIA Public Liaison: (703) 787-1315

Schena, Cristeen

From: Flores, Priscilla (Feliciano)
Sent: Thursday, October 23, 2014 1:44 PM
To: Dahl, Donald
Subject: FW: Cape Wind- New Bedford - BOEM - Ocean Port
Attachments: BOEM-2014-00099AckLetter(10-1-14).pdf

[Per my previous email.](#)

From: Leavy, Jacqueline
Sent: Friday, October 17, 2014 12:20 PM
To: Flores, Priscilla (Feliciano)
Subject: FW: Cape Wind- New Bedford - BOEM - Ocean Port

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Sent: Friday, October 17, 2014 11:41 AM
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To : Jessica Stromberg , Program Manager Office of Renewable Energy Programs

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From: Frank Haggerty

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Bureau of Ocean Energy Management
381 Elden St., HM-3127
Herndon, VA 20170

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FOIA Requester Service Center: (703) 787-1818
FOIA Public Liaison: (703) 787-1315



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT

381 Elden St, HM-3127
Herndon, VA 20170

Telephone (703) 787-1315
Facsimile (703) 787-1209

October 1, 2014

Via Electronic Mail

Frank Haggerty
Fnhaggerty@aol.com

RE: Freedom of Information Act (FOIA) Request No. BOEM-2014-00099

Dear Mr. Haggerty,

This letter is in reference to your request of September 22, 2014 to the Bureau of Ocean Energy Management (BOEM) for a copy of the modification to Cape Wind's Construction and Operations Plan seeking BOEM's authorization to use the Massachusetts Marine Commerce Terminal in New Bedford as a staging area. Because the material you requested is not currently available on the Web, the Bureau will be responding to your request under the provisions of the FOIA.

Your FOIA request has been assigned the control number BOEM-2014-00099. Please reference this number in your correspondence concerning this request.

BOEM Will Be Taking the 10-Workday Time Extension

Because we will need to search for and collect requested records from field facilities or other establishments that are separate from the office processing the request, we are taking a 10-workday extension under 43 CFR § 2.19. We will respond to your request by November 4, 2014, or notify you of any delay.

Fees

We have classified you as an "all other" requester. As such, you will be charged for search and duplication costs after the first two hours of search time and the first 100 pages of photocopies (or an equivalent volume). See 43 CFR § 2.39. If, after taking into consideration these entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See 43 CFR § 2.49(a)(1). If we determine fees will exceed this amount, we will notify you immediately and request your written agreement to pay the estimated fees.

If you have any questions, you may contact us by telephone at (703) 787-1315; by email at boemfoia@boem.gov; or by postal mail at: FOIA Office; Bureau of Ocean Energy Management; Atrium Building, MS: HM-3127; 381 Elden Street; Herndon, VA 20170.

Sincerely

X 

FOIA Officer/Public Liaison
Bureau of Ocean Energy Management

Schena, Cristeen

From: Flores, Priscilla (Feliciano)
Sent: Thursday, October 23, 2014 1:43 PM
To: Dahl, Donald
Subject: FW: Information regarding the Cape Wind Project: FOIA EPA-R1-2015-000281

Hi Donald,

I was speaking with Cris and she wanted to know if this message below from Leonardo G. closes this FOIA out? Or should we keep it open until he gets back to you? She is ok if you believe that it should be closed out.

Also, I will be sending you a message from Jackie Leavy regarding this FOIA. She is my HQs contact for controls, but Cris thought it may be of interest to you? or thought maybe you would know if this is important to include in the FOIA?

Please advise.

Thanks,

Priscilla

From: Leonardo Giacchino [mailto:leonardo.giacchino@solutionseconomics.com]
Sent: Thursday, October 16, 2014 2:32 PM
To: Dahl, Donald
Cc: Schena, Cristeen; McDonnell, Ida; Flores, Priscilla (Feliciano); Metcalf, Jill
Subject: RE: Information regarding the Cape Wind Project: FOIA EPA-R1-2015-000281

Thanks. We will download and review the documents from EPA's website and get back to you. Best,

Leonardo Giacchino, Ph.D.
Partner
Solutions Economics LLC
4915 St Elmo Ave, Suite 400
Bethesda, MD 20814
phone: 202-525-1352 x100
cel: 202-375-3673
fax: 202-521-9150
leonardo.giacchino@solutionseconomics.com
http://www.solutionseconomics.com/expertise/leonardo_giacchino#main
Skype: leonardo.giacchino

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If you have received this electronic transmission in error, please notify me by telephone at 202 525 1355 or by electronic email at leonardo.giacchino@solutionseconomics.com immediately.

From: Dahl, Donald [mailto:dahl.donald@epa.gov]
Sent: Thursday, October 16, 2014 1:26 PM
To: leonardo.giacchino@solutionseconomics.com

Cc: Schena, Cristeen; McDonnell, Ida; Flores, Priscilla (Feliciano); Metcalf, Jill
Subject: Information regarding the Cape Wind Project: FOIA EPA-R1-2015-000281

Mr. Giacchino:

Thank you for taking the time in speaking with me this afternoon. As we discussed I am including a URL to the information EPA has posted on our website regarding the Outer Continental Shelf Air Permit issued for the Cape Wind Project. I understand the focus of your inquiry has to deal with the installation of the submerged electrical cables from each of the wind turbine installation and the mainland. I also understand that your agency has submitted a FOIA request to BOEM which may have more material regarding your interests.

Here is the URL: <http://www.epa.gov/region1/communities/nsemissions.html>

Scroll down to the Cape Wind Associates, LLC, Horseshoe Shoal, Nantucket Sound. You will find the Clean Air Act permit, fact sheet and application for the project. Please call me if you have any questions or will need further information.

Donald Dahl
Air Permits
EPA New England
(617) 918-1657

Schena, Cristeen

From: Belaval, Marcel
Sent: Wednesday, October 22, 2014 4:09 PM
To: Moskal, John
Subject: Cape Wind SSA letter and cover to save our sound
Attachments: EPA SSA evaluation of Barnstable Switching-Cape Wind signed.pdf; EPA reply letter to Save our Sound SSA det.docx

FYI, I just realized I never saw a signed copy from Curt (not that I expected to though).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

**5 Post Office Square, Suite 100
Boston, MA 02109-3912**

10/16/2014

Peter Davidson
Executive Director
DOE Loan Programs Office, LP-1
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585

Subject: Review of potential aquifer impacts from expansion of the Barnstable Switching Station related to the Cape Wind project

Dear Mr. Davidson,

In 1982, EPA determined that the Cape Cod aquifer is the sole or principal source of drinking water for Cape Cod, and that the Cape Cod aquifer, if contaminated, would create a significant hazard to public health (47 FR 30282). As a result of this action, federal financially assisted projects constructed anywhere on Cape Cod are subject to EPA review to ensure that these projects are designed and constructed so that they do not create a significant hazard to public health.

NSTAR's Barnstable Switching station, located within the Cape Cod aquifer, is undergoing facility work as a part of the Cape Wind offshore wind project. In a letter dated 8/8/2014, NSTAR Electric Company and Cape Wind Associates, LLC, provided the Massachusetts Energy Facilities Siting Board (EFSB) with information about facility refinements at the Barnstable Switching station, where two 115-kilovolt transmission lines will interconnect to the regional electricity grid. Facility refinements include additional equipment needed to protect, reinforce and serve the local and regional transmission system in a safe and reliable manner. Because the Cape Wind offshore wind project is seeking a Department of Energy (DOE) loan guarantee, the facility refinements at the Barnstable switching station are subject to a review by EPA under the Sole Source Aquifer program to ensure the project does not create a significant hazard to public health.

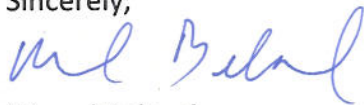
EPA Region 1 has evaluated available information related to facility refinements at the Barnstable Switching station. As described in the 8/8/2014 letter to the EFSB, expansion at the Barnstable switching station will include equipment such as shunt reactors and

harmonic filters that may contain insulating oils that will be stored onsite. Chemical storage onsite as a result of this expansion, including oil, will be in addition to existing chemical storage at the facility, which has been in operation for 40 years. As noted above, the site is located within the Cape Cod aquifer. The site is also located within the Zone II Groundwater Protection Area for the Town of Barnstable Public Water System (PWS ID MA4020004).

The Spill Prevention, Control, and Countermeasure (SPCC) rule (40 CFR 112), establishes oil discharge prevention procedures, methods, and equipment requirements for non-transportation-related facilities with an aboveground oil storage capacity greater than 1,320 U.S. gallons or a buried underground oil storage capacity greater than 42,000 U.S. gallons. Provided that the Barnstable switching station meets all applicable federal, state, and local environmental protection standards (including, but not limited to the SPCC rule, 40 CFR 112), EPA does not believe the proposed additions will pose a significant threat of ground water contamination which could pose a health hazard. Please note, however, that EPA reserves its right to inspect and/or take enforcement action pursuant to the Clean Water Act, and other applicable laws, including the right to seek penalties, for any past, current, or future violations detected at the above-referenced facility.

If you have any questions or need additional information about this review or the Sole Source Aquifer program, please do not hesitate to contact me at 617-918-1238 or Belaval.marcel@epa.gov.

Sincerely,



Marcel Belaval
Hydrologist
Drinking Water Program

Cc: Matthew McMillen, Director, Environmental Compliance, DOE Loan Programs Office
Rachel Pachter, Project Manager, Permitting & Environmental, Cape Wind LLC
Mary Grover, Assistant General Counsel, NSTAR Electric
Audra Parker, President and CEO, Save Our Sound

Schena, Cristeen

From: Sandy Taylor <sandyt@saveoursound.org>
Sent: Thursday, October 16, 2014 3:15 PM
To: Dahl, Donald
Cc: McDonnell, Ida
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Donald:

Thank you very much for responding to my email.

Sandy

Sandy Taylor
Executive Assistant
4 Barnstable Road
Hyannis, MA 02601
508-775-9767
508-775-9725 (f)
sandyt@saveoursound.org
www.saveoursound.org

From: Dahl, Donald [mailto:dahl.donald@epa.gov]
Sent: Thursday, October 16, 2014 2:59 PM
To: Sandy Taylor
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Ms. Taylor, since our last conversation EPA has not received a request from Cape Wind Associates to change the Clean Air Act permit.

Donald Dahl
Air Permits
EPA New England
(617) 918-1657

From: Sandy Taylor [mailto:sandyt@saveoursound.org]
Sent: Tuesday, October 07, 2014 10:25 AM
To: Dahl, Donald
Cc: McDonnell, Ida
Subject: FW: Follow up on 5/22/14 Cape with Audra Parker

Donald:

Thank you for speaking with me last week regarding Cape Wind submitting an application for change.

I am following up to see if anything has been received by the EPA for any type of change to the Cape Wind project.

Thank you very much.

Sandy

Sandy Taylor
Executive Assistant
4 Barnstable Road
Hyannis, MA 02601
508-775-9767
508-775-9725 (f)

sandyt@saveoursound.org

www.saveoursound.org

From: McDonnell, Ida [<mailto:McDonnell.Ida@epa.gov>]
Sent: Monday, September 22, 2014 2:56 PM
To: Sandy Taylor
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Hi Sandy,

No they have not.

Ida E. McDonnell, Manager
Air Permits, Toxics and Indoor Programs Unit
EPA-New England, Region 1
5 Post Office Square
Boston, MA 02109-3912
Phone 617-918-1653
Fax 617-918-0653

From: Sandy Taylor [<mailto:sandyt@saveoursound.org>]
Sent: Monday, September 22, 2014 1:23 PM
To: McDonnell, Ida
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Ida:
I am just checking in to see if Cape wind has submitted any application for a change of staging?
Thanks,
Sandy

Sandy Taylor
Executive Assistant
4 Barnstable Road
Hyannis, MA 02601
508-775-9767
508-775-9725 (f)
sandyt@saveoursound.org
www.saveoursound.org

From: McDonnell, Ida [<mailto:McDonnell.Ida@epa.gov>]
Sent: Tuesday, September 16, 2014 8:42 AM
To: Sandy Taylor
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Sandy,

We have not received any notice of staging area changes from the applicants.

Feel free to keep checking in.

Ida E. McDonnell, Manager
Air Permits, Toxics and Indoor Programs Unit
EPA-New England, Region 1
5 Post Office Square
Boston, MA 02109-3912
Phone 617-918-1653
Fax 617-918-0653

From: Sandy Taylor [<mailto:sandyt@saveoursound.org>]
Sent: Monday, September 15, 2014 2:49 PM
To: McDonnell, Ida
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Ida:

Thank you calling a couple of weeks ago regarding our letter to the EPA about the New Bedford staging location change that we have been hearing about for four years.

Now that there has been an official announcement on this location change, has the EPA received any notice of project change from Cape Wind regarding the move to new Bedford as reported in the press? If so, could you provide a copy of the application/notice?

This is a link to the Cape Cod Times where this quote appeared:

<http://m.capecodonline.com/apps/pbcs.dll/article?AID=/20140911/NEWS11/140919911&template=wapart>

“Cape Wind will file paperwork with the federal government early next week to modify its Construction and Operations Plan with the Bureau of Ocean Energy Management in order to deploy the wind project from New Bedford, company officials said.”

Thank you again for your assistance.
Sandy

Sandy Taylor
Executive Assistant
4 Barnstable Road
Hyannis, MA 02601
508-775-9767
508-775-9725 (f)
sandyt@saveoursound.org
www.saveoursound.org

From: McDonnell, Ida [<mailto:McDonnell.Ida@epa.gov>]
Sent: Tuesday, August 26, 2014 10:29 AM
To: Sandy Taylor
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Sandy,

You sent me an e-mail on August 19, 2014 asking if "... if any permit has been issued and if there are any documents/correspondence with Cape Wind or with any parties outside of EPA on this permit renewal are available for you to send to us?"

At this time, EPA is not issuing any additional permits to Cape Wind (CWA). As you know, CWA has requested EPA to extend the Phase I Construction end date for the current Outer Continental Shelf Air Permit issued to Cape Wind Associates, LLC (CWA) dated January 7, 2011. CWA has asked us to extend the end date from September 30, 2015 to September 30, 2017. EPA is currently reviewing this request and is evaluating whether CWA has met the conditions for such a change as specified in Section XI of the permit.

Section XI of the permit also contains a requirement regarding ESA. I am enclosing several letters recently sent regarding the status of the project's compliance with ESA. In particular, I have included a copy of EPA's letter to the Bureau of Ocean Energy Management where, based on the facts, EPA has determined that reinitiating the consultation requirements under ESA is unnecessary.

I will send you our determination once EPA has completed its review of CWA's extension request.

Sincerely,

Ida E. McDonnell, Manager
Air Permits, Toxics and Indoor Programs Unit
EPA-New England, Region 1
5 Post Office Square
Boston, MA 02109-3912
Phone 617-918-1653
Fax 617-918-0653

From: Sandy Taylor [<mailto:sandyt@saveoursound.org>]
Sent: Tuesday, August 19, 2014 10:20 AM
To: McDonnell, Ida
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Ida:
Thank you for your response to our questions, sorry for the delay getting back to you.

We would like to inquire if any permit has been issued and if there are any documents/correspondence with Cape Wind or with any parties outside of EPA on this permit renewal are available for you to send to us?

Again, thank you for response.
Sandy

Sandy Taylor
Executive Assistant
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sandyt@saveoursound.org
www.saveoursound.org

From: McDonnell, Ida [<mailto:McDonnell.Ida@epa.gov>]
Sent: Wednesday, August 13, 2014 1:31 PM
To: Sandy Taylor
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Hi Sandy,

I have the following responses to your questions below:

1. What is the status of EPA's review of Cape Wind's extension request?

EPA is currently reviewing the Cape Wind Associates request made on March 7, 2014 to extend the end date of the Phase I construction period from September 30, 2015 to September 30, 2017

2. What is the status on of Cape Wind request, timeline and process?

EPA will either grant or deny, via a letter, the request to increase the Phase I construction period in accordance with Conditions XI.A.1-4 of the Outer Continental Shelf Air Permit OCS-R1-01. At this time we have not established a firm response date to Cape Wind Associates request. With the recent resolution of the outstanding issues involving consultation under the Endangered Species Act, my staff will now focus on reviewing all other pertinent information regarding extending the end date for the Phase I construction period. I have attached to this e-mail our letter dated August 12, 2014 to the Bureau of Ocean Energy Management. Once we have come to a decision, our response letter regarding the extension request will be signed by the Regional Administrator.

3. Will the public have an opportunity to comment?

Granting or denying the extension of the Phase I construction period does not require modifying the permit. If the permit was required to be modified, EPA would need to follow the process for modifying the permit contained in 40 CFR parts 55 and 124. At this time EPA is not planning to conduct a formal public comment period concerning the extension request.

4. EPA to provide a copy of their decision when made.

EPA will send our decision letter regarding the Phase I construction end date extension to Save Our Sound and other interested parties.

5. Will you be responding to our comment letter?

We are currently evaluating the comments made in your April 1, 2014 and will respond to you once we complete our evaluation.

Please feel free to call me if you have any further questions.

Ida E. McDonnell, Manager
Air Permits, Toxics and Indoor Programs Unit
EPA-New England, Region 1
5 Post Office Square
Boston, MA 02109-3912
Phone 617-918-1653
Fax 617-918-0653

From: Sandy Taylor [<mailto:sandyt@saveoursound.org>]
Sent: Friday, August 08, 2014 2:14 PM

To: McDonnell, Ida

Subject: Follow up on 5/22/14 Cape with Audra Parker

Ida:

I am following up your call with Audra Parker regarding Cape Wind's CA permit on 5/22/14.

There were several questions that you were going to get back to us on after reviewing them with Jill Metcalf.

- What is the status of EPA's review of Cape Wind's **EXTENSION** request?
- What is the status on of Cape Wind request, timeline and process?
- Will the public have an opportunity to comment?
- EPA to provide a copy of their decision when made.
- Will you be responding to our comment letter (see attached)?

Thank you very much,
Sandy

Sandy Taylor
Executive Assistant
4 Barnstable Road
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Schena, Cristeen

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Sent: Thursday, October 16, 2014 2:32 PM
To: Dahl, Donald
Cc: Schena, Cristeen; McDonnell, Ida; Flores, Priscilla (Feliciano); Metcalf, Jill
Subject: RE: Information regarding the Cape Wind Project: FOIA EPA-R1-2015-000281

Thanks. We will download and review the documents from EPA's website and get back to you. Best,

Leonardo Giacchino, Ph.D.
Partner
Solutions Economics LLC
4915 St Elmo Ave, Suite 400
Bethesda, MD 20814
phone: 202-525-1352 x100
cel: 202-375-3673
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leonardo.giacchino@solutionseconomics.com
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Skype: leonardo.giacchino

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If you have received this electronic transmission in error, please notify me by telephone at 202 525 1355 or by electronic email at leonardo.giacchino@solutionseconomics.com immediately.

From: Dahl, Donald [mailto:dahl.donald@epa.gov]
Sent: Thursday, October 16, 2014 1:26 PM
To: leonardo.giacchino@solutionseconomics.com
Cc: Schena, Cristeen; McDonnell, Ida; Flores, Priscilla (Feliciano); Metcalf, Jill
Subject: Information regarding the Cape Wind Project: FOIA EPA-R1-2015-000281

Mr. Giacchino:

Thank you for taking the time in speaking with me this afternoon. As we discussed I am including a URL to the information EPA has posted on our website regarding the Outer Continental Shelf Air Permit issued for the Cape Wind Project. I understand the focus of your inquiry has to deal with the installation of the submerged electrical cables from each of the wind turbine installation and the mainland. I also understand that your agency has submitted a FOIA request to BOEM which may have more material regarding your interests.

Here is the URL: <http://www.epa.gov/region1/communities/nsemissions.html>

Scroll down to the Cape Wind Associates, LLC, Horseshoe Shoal, Nantucket Sound. You will find the Clean Air Act permit, fact sheet and application for the project. Please call me if you have any questions or will need further information.

Donald Dahl
Air Permits
EPA New England
(617) 918-1657

Schena, Cristeen

From: Dahl, Donald
Sent: Thursday, October 16, 2014 1:26 PM
To: leonardo.giacchino@solutionseconomics.com
Cc: Schena, Cristeen;McDonnell, Ida;Flores, Priscilla (Feliciano);Metcalf, Jill
Subject: Information regarding the Cape Wind Project: FOIA EPA-R1-2015-000281

Mr. Giacchino:

Thank you for taking the time in speaking with me this afternoon. As we discussed I am including a URL to the information EPA has posted on our website regarding the Outer Continental Shelf Air Permit issued for the Cape Wind Project. I understand the focus of your inquiry has to deal with the installation of the submerged electrical cables from each of the wind turbine installation and the mainland. I also understand that your agency has submitted a FOIA request to BOEM which may have more material regarding your interests.

Here is the URL: <http://www.epa.gov/region1/communities/nsemissions.html>

Scroll down to the Cape Wind Associates, LLC, Horseshoe Shoal, Nantucket Sound. You will find the Clean Air Act permit, fact sheet and application for the project. Please call me if you have any questions or will need further information.

Donald Dahl
Air Permits
EPA New England
(617) 918-1657

Schena, Cristeen

From: Grantham, Nancy on behalf of Spalding, Curt
Sent: Wednesday, October 15, 2014 2:14 PM
To: Flores, Priscilla (Feliciano); Dierker, Carl
Subject: FW: Alliance to Protect Nantucket Sound letter to EPA re Permit OCS-R1-01
Attachments: EPA Ltr to EPA re CW Change in staging location 10 15 14.pdf

From: Sandy Taylor [mailto:sandyt@saveoursound.org]
Sent: Wednesday, October 15, 2014 2:06 PM
To: Spalding, Curt
Cc: 'David Frantz'; walter.cruickshank@boem.gov
Subject: Alliance to Protect Nantucket Sound letter to EPA re Permit OCS-R1-01

Administrator Spalding:

Please review the attached letter from the Alliance to Protect Nantucket Sound regarding the Cape Wind Permit OCS-R1-01.

Thank you very much.
Sandy

Sandy Taylor
Executive Assistant
4 Barnstable Road
Hyannis, MA 02601
508-775-9767
508-775-9725 (f)
sandyt@saveoursound.org
www.saveoursound.org



October 15, 2014

VIA Federal Express and Electronic

Mr. Curt Spalding
Regional Administrator
U.S. Environmental Protection Agency – Region 1
5 Post Office Square - Suite 100
Boston, MA 02109-3912

Re: Cape Wind Associates, LLC -- EPA Permit Number OCS-R1-01

Dear Administrator Spalding:

On behalf of the Alliance to Protect Nantucket Sound (“the Alliance”), we are writing regarding the recent announcement by Cape Wind Associates, LLC (“Cape Wind”) that New Bedford, Massachusetts, rather than Quonset, Rhode Island, will serve as the staging area for the project’s construction. The Outer Continental Shelf (OCS) air emissions permit issued to Cape Wind on January 7, 2011 is premised on the use of a Quonset Point staging location. Cape Wind’s announcement therefore represents a fundamental change in the facts upon which EPA relied when it issued the permit. Since the change in staging location calls into question all of EPA’s conclusions regarding Cape Wind’s compliance with applicable Clean Air Act (“CAA”) air quality requirements, the current permit cannot be considered valid.¹ Before construction can begin, EPA must require Cape Wind to submit a new OCS permit application, based on the actual facts, including an accurate emissions estimate of the vessels traveling from New Bedford, and must evaluate a new permit following the prescribed procedures.

Cape Wind’s equivocations as to the project’s actual staging location have been an issue for some time. As early as 2010, EPA cautioned Cape Wind in the wake of Governor Patrick’s announcement that Cape Wind intended to use New Bedford - and not Quonset Point - as the staging location:

Cape Wind’s application to EPA for an OCS Air Permit under Section 328 of the Clean Air Act was predicated (at least in part) on staging the project from Quonset Point in Rhode Island. This change in staging location likely affects

¹ This is not the first problem with Cape Wind’s OCS permit that we have identified. In April of this year, we informed EPA that Cape Wind’s current permit had expired due to Cape Wind’s failure to commence construction within the timeframe specified by the regulations. See 40 C.F.R. § 55.6(b)(4). See Alliance letter to EPA, dated April 1, 2014. Cape Wind has argued that an OCS attachment qualified as the timely “commencement” of construction of the project. However, it is plain that an OCS attachment does not satisfy the regulatory definition of “commence construction.” Moreover, even assuming such an action could be considered “commencement” of construction, the OCS attachment was followed by over 18 months of inaction. This “discontinuance” in construction is yet another grounds for invalidating the OCS permit. See id. Therefore, even without this most recent game changing announcement, Cape Wind’s OCS permit is invalid.

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□ **508-775-9767** □ **Fax: 508-775-9725**

some of the analyses and conclusions presented to EPA in the air permit application, and/or presented to other agencies for the purpose of other federal statutory requirements with which EPA must comply in issuing an air permit.²

EPA was rightfully concerned: unlike pre-construction permitting for stationary sources on land, the OCS regulations require that vessel emissions within 25 miles be counted in the project's potential emissions. 40 C.F.R. § 55.2 (definition of *potential to emit*). And, since all of Cape Wind's permit application materials were premised on vessels traveling from the staging location in Quonset Point, the accuracy of the project's potential emissions depended upon Cape Wind's actual use of that staging area. The change to a New Bedford staging area will result in a new pattern of vessel traffic and vessel emissions, and possibly a change in the vessels themselves, given the differing configurations of the Quonset and New Bedford facilities. Therefore, the emissions data upon which the permit was issued is no longer valid.

EPA's permit decision must reflect this change in the facts. Specifically:

- Cape Wind must submit a new Notice of Intent, since the old one no longer accurately characterizes the “[e]stimate of the proposed project's potential emissions of any air pollutant. . . Potential emissions for the project must include all vessel emissions associated with the proposed project in accordance with the definition of potential emissions in §55.2 of this part.” 40 C.F.R. § 55.4(b)(3). (emphasis added).
- Given that several years have lapsed between Cape Wind's original application and the change in staging location announcement, EPA also must conduct a new consistency update compliant with 40 C.F.R. § 55.12.
- Finally, Cape Wind must submit a new OCS permit application based on the revised emissions estimates, and EPA must evaluate it, propose a decision, and provide for public review and comment, in accordance with the procedures outlined in 40 C.F.R. Part 124.

Cape Wind cannot begin construction of its project without a valid OCS permit. 40 C.F.R. §55.6(b). A valid OCS permit depends upon forthright disclosures by Cape Wind that provide a realistic estimate of the project's emissions. Therefore, EPA must require that Cape Wind re-submit its permit application materials, so an accurate air impacts analysis can take place that allows the public to comment on the project as Cape Wind actually intends for it to occur.

Please feel free to contact me if you have any questions.

² Letter to D. Duffy, Cape Wind Associates, LLC from S. Perkins, EPA, Oct. 29, 2010.

Mr. Curt Spalding
October 15, 2014
Page 3 of 3

Sincerely,

A handwritten signature in blue ink that reads "Audra Parker". The signature is fluid and cursive, with the first name "Audra" and last name "Parker" clearly distinguishable.

Audra Parker
President and CEO

Cc: Dr. Walter Cruikshank, Acting Director of Bureau of Ocean Energy Management|
David Frantz, Loan Programs Office, U.S. Department of Energy

4 Barnstable Road, Hyannis, Massachusetts 02601
□ 508-775-9767 □ Fax: 508-775-9725

Schena, Cristeen

From: Sandy Taylor <sandyt@saveoursound.org>
Sent: Wednesday, October 15, 2014 2:06 PM
To: Spalding, Curt
Cc: 'David Frantz'; walter.cruickshank@boem.gov
Subject: Alliance to Protect Nantucket Sound letter to EPA re Permit OCS-R1-01
Attachments: EPA Ltr to EPA re CW Change in staging location 10 15 14.pdf

Administrator Spalding:

Please review the attached letter from the Alliance to Protect Nantucket Sound regarding the Cape Wind Permit OCS-R1-01.

Thank you very much.

Sandy

Sandy Taylor
Executive Assistant
4 Barnstable Road
Hyannis, MA 02601
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508-775-9725 (f)
sandyt@saveoursound.org
www.saveoursound.org

Schena, Cristeen

From: Dennis Duffy <duffy@emienergy.com>
Sent: Monday, October 13, 2014 10:45 AM
To: Moskal, John;Zyg Plater
Subject: Fwd: Daily Climate profile of Jim Gordon
Attachments: removed.txt

The energy business is not for the faint of heart.

Sent from my iPhone

Begin forwarded message:

<http://www.dailyclimate.org/tdc-newsroom/2014/10/jim-gordon-cape-wind>

The dogged, dauntless determination of Jim Gordon



Jim Gordon, president of Cape Wind Associates, takes questions at a press conference announcing the release of the Final Environmental Impact Statement from federal Minerals and Management Service in January, 2009. Production still courtesy [Cape Spin](#).

Oct 13, 2014

For 13 years Jim Gordon has fought and scraped against powerful foes to set 130 turbines in the waters off Cape Cod. He's certain success is right around the corner.

By Doug Struck
The Daily Climate

BOSTON – Once had a cur, a mutt with an attitude. Mutt hated the basset hound next door, and feeling was mutual. No leash laws in the South then, so the dogs mixed it up at will.

One thing remains: the waters off Cape Cod rise and fall, still empty of the 440-foot turbines of Gordon's dreams.

The two fought for a decade. Ripped ears nearly off. Gashed eyes. Lots of blood. Lots of stitches.

Toward the end, they got old. Mostly, by then, it was ritual. The two raged and frothed all over each other, on their hind legs like bears. Then one would saddle the other's back, cross-wise. Exhausted. They would stand there, locked in their hatred, paralyzed in their fatigue. Growling. Looking sidewise for someone – anyone – to come grab them by the necks and drag them apart. Neither won.

Jim Gordon wants to win. He has been locked in a bitter dogfight to try to create the nation's [first in-the-water wind farm](#) off Cape Cod. For more than a decade, every time he thought he was making headway, there was Bill Koch, rich coal magnate, in the disguise of various opponents, nipping his flanks, snapping at his throat.

Directing armies

They have fought up and down the court systems, through the local, state and federal bureaucracies, in the media, and in the back rooms and open chambers of legislatures, each directing armies and allies in attack.

But one thing remains: the waters off Cape Cod rise and fall, still empty of the 440-foot turbines of Gordon's dreams. His opponents crow that's a victory.

"We have been fighting this successfully for thirteen years. The project does not belong in Nantucket Sound," said his most public nemesis, Audra Parker, who heads a group that Gordon calls a shill for billionaire Koch.

And while Gordon waves off questions as to whether Parker gets under his skin, a hint of his frustration shows when he refers to her "latest jihad."

Indeed, Jim Gordon has reason to be pissed. His plan to put a modest wind farm in Nantucket Sound has been on the drawing boards for 13 years. What's a guy got to do to build the first offshore wind project in the United States?

26 legal challenges

He has, by his count, faced 26 legal challenges, and won every one of them, save for a few niggling technical rulings. He has overcome a veritable buffet of bureaucracies, from the local Cape Cod Commission to state regulators to a full monty of federal agencies – Interior, EPA, DOE, Army Corps of Engineers, FAA, FERC, to name a few. Throw in a tussle with the Wampanoag native American tribe for good measure.

See something in your neighborhood and wonder if it's climate or weather? We've got experts who can help: Check out our [#ClimateDoorstep project](#).

The list of foes, fighting for or with Koch, would send most developers scrambling for cover. At one time or another, Gordon has been opposed by the renowned Edward Kennedy, the skeptical Cape Cod Commission, the beloved Walter Cronkite, the impeccable Massachusetts Audubon, the Massachusetts Fishermen's Network, John Kerry, Mitt Romney, Scott Brown and Robert Kennedy Jr.

"There are certainly easier ways to make a living," Gordon concedes dryly.

Success at hand

At 61, Gordon remains unbowed. Success, he predicts, is at hand. Next year construction will begin on at least 100 of the planned 130 wind turbines to be placed six miles offshore to provide clean energy for most of Cape Cod. He says this with the zeal and conviction of a True Believer.

He has said that before, he concedes, but this time he insists there are no other major delays on the horizon.

(Two days later, a Texas congressman got the House of Representatives to ban, via an appropriations bill rider, a federal loan guarantee supporting Cape Wind. The Senate dismissed the stunt, but the surprise move had echoes of what Gordon calls "my worst day" in 2006: He woke up to learn the congressman and a senator from Alaska, another big oil state, had slipped a line into a Coast Guard bill killing Cape Wind. That, too, eventually was reversed.)

"We are very close. I definitely think the project will be built," Gordon said in an interview this summer in his Boston office.

Gordon has the tight control of an assassin, scoped on his target, calm, serious, strategic. In person, slim and fit. A direct gaze. Hair grayed through the battle. He studied communications at Boston University years ago and has retained the lessons: always on-message, unflustered by the provocative question. Steers it back to the why of wind power.

Selling door-to-door

He insists he has pushed the cutting edge of technology ever since he sold cable television door-to-door while a college kid in the early 1970s, lugging around a plastic box with 36 buttons and wires to hook up to TVs. His millions were made developing natural gas power plants, a technology he said was vastly cleaner than coal plants of the time.

He serves as a contrast to Koch, his flamboyant foe, who last year bought a second Cape Cod mansion – a gated estate sold by the Mellon banking tycoon heirs – and has poured more than \$5 million into Parker's [Alliance to Protect Nantucket Sound](#), even as he flutters around the country with other projects – bankrolling the pursuit of wine counterfeiters, for example.

While Bill Koch's brothers, Charles and David, have become the liberals' boogeymen for their millions spent on the Tea Party and arch-conservative causes, Bill Koch has played the eccentric billionaire, sailing to the America's Cup victory in 1992, collecting Western memorabilia, fine wine, wives and mistresses, and running a gas- and coal-mining company.

Grudging respect

The two men have met, talked, dined, and debated over wine through the years. They even offer grudging respect to their opposite. In interviews for a 2013 Commonwealth Magazine story, Koch allowed that Gordon is a "brilliant marketer" and Gordon called Koch "a very amiable guy."

Despite his careful control, Gordon is a lightning rod for controversy. He has been hailed by environmentalists, excoriated on conservative talk shows, and accused variously of trying to destroy a natural treasure, reap undeserved riches, kill birds, stymie fishermen, interfere with Air Force flights and Indian religions and gut tourism on Cape Cod.

Gordon will pounce on each of those arguments, if given the chance. But what's at the root of all this fierce opposition? "It boils down simply to one thing: NIMBYism – not in my backyard," he says. "Some of the wealthiest, most politically influential people in the world" simply don't want to see wind turbines as they gaze out from their verandas.

Silver tongues

Indeed, the Kennedys, noted residents and sailors in those parts, tripped over their famously silver tongues to explain why they support clean energy but not this clean energy. Gordon insists the windmills will be specks on the horizon, not the eyesores that his opponents conjure up.

"Beauty is in the eye of the beholder. Some people think wind turbines are majestic and awe-inspiring and beautiful," he says. "The Biblical irony is that those folks that are fighting it have the most to lose. Beaches are eroding down there. More intense and frequent storms. The oceans are warming the Earth. Habitat is migrating to colder waters. Everything that makes the Cape 'Cape Cod.'"

"One of the reasons we have pursued this project for so long is that we believe that this nation – this world – needs to transform away from fossil fuels to a more sustainable energy future," he adds. "Any person that has children or grandchildren and cares about future generations, they are going to try, if they can, to provide a better world."

In that, he has the support of Massachusetts Gov. Deval Patrick and the Obama Administration. Patrick helped engineer a deal to guarantee the purchase of Cape Wind's power by the regional utilities, whose chieftains understood the political winds and signed on even though the offshore wind they will buy costs twice as much as today's electricity.



More offshore wind

And the Obama Administration is hoping to parlay Gordon's hard-won legal victories to open the regulatory gates to more offshore wind farms. It has designated 1.5 million acres off the Atlantic coast for wind development, and recently put up 343,000 acres for wind power leases off New Jersey.

Parker, of course, doesn't share the enthusiasm. "The public could buy three times the associated benefits for the same price tag as Cape Wind. It's a project that didn't make any sense and it makes less sense now," she says.

For his doggedness, Gordon has won the applause of environmentalists. Sue Reid, vice president of the Conservation Law Foundation in Boston, which has helped battle for Cape Wind, recalls musing "this is a big thinker" when she met Gordon a decade ago. Over the years, she has seen him both calm and "borderline apoplectic," and her admiration has grown.

"I would not have said this back then, but Jim Gordon has become one of my heroes because of my respect for his tenacity," she concedes.

Environmental crusader?

Away from the klieg lights on Cape Wind, however, Gordon's image as an environmental crusader is a bit more fuzzy. Even Reid has quarreled with him: When Gordon's energy company proposed a diesel-fired power plant right across from a public elementary school in the low-income Boston neighborhood of Chelsea in 2006, Reid's group joined other public interest law firms and helped local residents mount a legal and noisy opposition.

"People were upset," said Eugene Benson, who was one of the pro-bono lawyers for the neighborhood. But Gordon's company "was not interested in backing down."

Chelsea residents won the fight, but then Gordon's Energy Management Inc. proposed a natural gas power plant for Westfield, another gritty Massachusetts town. Staci Rubin, a lawyer for Alternatives for Community and Environment, accuses Energy Management of "a pattern of discriminating, looking for places where people don't have the political power to push back against these polluting power plants."

Mark Rodgers, a spokesman for Energy Management, shoots back that the envisioned Westfield plant would be "the cleanest, most efficient natural gas power plant in New England," and is supported by the mayor and city council.

'Always opposition'

Another of Gordon's pet projects, a biomass power plant near Gainesville, Fla., that burns wood chips, also roiled residents there and faced several years of delays before it started up last summer.

"There is always opposition," Gordon shrugged, while showing off poster-sized photos of the wood plant at his office.

Gordon doesn't even pause in saying he would launch the Cape Wind fight all over again, if given the chance. Even though, he admits, "over a 14-year period there have been ... not moments, but weeks and months of frustration, and doubt, and, in some cases at the lowest points, despair and second-guessing."

For Gordon, the wind farm seems a personal high-water mark, something he wants as a personal legacy. He intends to win.

"Let me tell you one of the best days for me," he said. "In the early days of Cape Wind we did a lot of public hearings. The last hearing for the year was in Cambridge, Massachusetts at MIT. My 14-year-old son attended that hearing with me, and he saw people stand up and speak, say very heartfelt things about the potential of this project. I remember my 14-year-old son saying, 'Dad I'm really proud of you.' That meant a lot to me."

Doug Struck is a freelance writer based in Boston. He covered climate change issues for The Washington Post and is a frequent contributor to The Daily Climate.

The Daily Climate is an independent, foundation-funded news service covering energy, the environment and climate change. Find us on Twitter [@TheDailyClimate](#) or email editor Douglas Fischer at [dfischer \[at\] DailyClimate.org](mailto:dfischer@DailyClimate.org)

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The Daily Climate. 421 Park Street, Suite 4. Charlottesville, VA 22902 [About](#) | [Contact](#) News for a changing planet

Schena, Cristeen

From: Sandy Taylor <sandyt@saveoursound.org>
Sent: Tuesday, October 07, 2014 10:25 AM
To: Dahl, Donald
Cc: McDonnell, Ida
Subject: FW: Follow up on 5/22/14 Cape with Audra Parker

Donald:

Thank you for speaking with me last week regarding Cape Wind submitting an application for change.
I am following up to see if anything has been received by the EPA for any type of change to the Cape Wind project.
Thank you very much.
Sandy

Sandy Taylor
Executive Assistant
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508-775-9725 (f)
sandyt@saveoursound.org
www.saveoursound.org

From: McDonnell, Ida [mailto:McDonnell.Ida@epa.gov]
Sent: Monday, September 22, 2014 2:56 PM
To: Sandy Taylor
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Hi Sandy,

No they have not.

Ida E. McDonnell, Manager
Air Permits, Toxics and Indoor Programs Unit
EPA-New England, Region 1
5 Post Office Square
Boston, MA 02109-3912
Phone 617-918-1653
Fax 617-918-0653

From: Sandy Taylor [mailto:sandyt@saveoursound.org]
Sent: Monday, September 22, 2014 1:23 PM
To: McDonnell, Ida
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Ida:
I am just checking in to see if Cape wind has submitted any application for a change of staging?
Thanks,
Sandy

Sandy Taylor
Executive Assistant
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sandyt@saveoursound.org
www.saveoursound.org

From: McDonnell, Ida [<mailto:McDonnell.Ida@epa.gov>]
Sent: Tuesday, September 16, 2014 8:42 AM
To: Sandy Taylor
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Sandy,

We have not received any notice of staging area changes from the applicants.

Feel free to keep checking in.

Ida E. McDonnell, Manager
Air Permits, Toxics and Indoor Programs Unit
EPA-New England, Region 1
5 Post Office Square
Boston, MA 02109-3912
Phone 617-918-1653
Fax 617-918-0653

From: Sandy Taylor [<mailto:sandyt@saveoursound.org>]
Sent: Monday, September 15, 2014 2:49 PM
To: McDonnell, Ida
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Ida:

Thank you calling a couple of weeks ago regarding our letter to the EPA about the New Bedford staging location change that we have been hearing about for four years.

Now that there has been an official announcement on this location change, has the EPA received any notice of project change from Cape Wind regarding the move to new Bedford as reported in the press? If so, could you provide a copy of the application/notice?

This is a link to the Cape Cod Times where this quote appeared:

<http://m.capecodonline.com/apps/pbcs.dll/article?AID=/20140911/NEWS11/140919911&template=wapart>

“Cape Wind will file paperwork with the federal government early next week to modify its Construction and Operations Plan with the Bureau of Ocean Energy Management in order to deploy the wind project from New Bedford, company officials said.”

Thank you again for your assistance.

Sandy

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Executive Assistant
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508-775-9725 (f)
sandyt@saveoursound.org
www.saveoursound.org

From: McDonnell, Ida [<mailto:McDonnell.Ida@epa.gov>]
Sent: Tuesday, August 26, 2014 10:29 AM
To: Sandy Taylor
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Sandy,

You sent me an e-mail on August 19, 2014 asking if "... if any permit has been issued and if there are any documents/correspondence with Cape Wind or with any parties outside of EPA on this permit renewal are available for you to send to us?"

At this time, EPA is not issuing any additional permits to Cape Wind (CWA). As you know, CWA has requested EPA to extend the Phase I Construction end date for the current Outer Continental Shelf Air Permit issued to Cape Wind Associates, LLC (CWA) dated January 7, 2011. CWA has asked us to extend the end date from September 30, 2015 to September 30, 2017. EPA is currently reviewing this request and is evaluating whether CWA has met the conditions for such a change as specified in Section XI of the permit.

Section XI of the permit also contains a requirement regarding ESA. I am enclosing several letters recently sent regarding the status of the project's compliance with ESA. In particular, I have included a copy of EPA's letter to the Bureau of Ocean Energy Management where, based on the facts, EPA has determined that reinitiating the consultation requirements under ESA is unnecessary.

I will send you our determination once EPA has completed its review of CWA's extension request.

Sincerely,

Ida E. McDonnell, Manager
Air Permits, Toxics and Indoor Programs Unit
EPA-New England, Region 1
5 Post Office Square
Boston, MA 02109-3912
Phone 617-918-1653
Fax 617-918-0653

From: Sandy Taylor [<mailto:sandyt@saveoursound.org>]
Sent: Tuesday, August 19, 2014 10:20 AM

To: McDonnell, Ida
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Ida:

Thank you for your response to our questions, sorry for the delay getting back to you.

We would like to inquire if any permit has been issued and if there are any documents/correspondence with Cape Wind or with any parties outside of EPA on this permit renewal are available for you to send to us?

Again, thank you for response.

Sandy

Sandy Taylor
Executive Assistant
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Hyannis, MA 02601
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508-775-9725 (f)
sandyt@saveoursound.org
www.saveoursound.org

From: McDonnell, Ida [<mailto:McDonnell.Ida@epa.gov>]
Sent: Wednesday, August 13, 2014 1:31 PM
To: Sandy Taylor
Subject: RE: Follow up on 5/22/14 Cape with Audra Parker

Hi Sandy,

I have the following responses to your questions below:

1. What is the status of EPA's review of Cape Wind's extension request?

EPA is currently reviewing the Cape Wind Associates request made on March 7, 2014 to extend the end date of the Phase I construction period from September 30, 2015 to September 30, 2017

2. What is the status on of Cape Wind request, timeline and process?

EPA will either grant or deny, via a letter, the request to increase the Phase I construction period in accordance with Conditions XI.A.1-4 of the Outer Continental Shelf Air Permit OCS-R1-01. At this time we have not established a firm response date to Cape Wind Associates request. With the recent resolution of the outstanding issues involving consultation under the Endangered Species Act, my staff will now focus on reviewing all other pertinent information regarding extending the end date for the Phase I construction period. I have attached to this e-mail our letter dated August 12, 2014 to the Bureau of Ocean Energy Management. Once we have come to a decision, our response letter regarding the extension request will be signed by the Regional Administrator.

3. Will the public have an opportunity to comment?

Granting or denying the extension of the Phase I construction period does not require modifying the permit. If the permit was required to be modified, EPA would need to follow the process for modifying the permit contained in 40 CFR parts 55 and 124. At this time EPA is not planning to conduct a formal public comment period concerning the extension request.

4. EPA to provide a copy of their decision when made.

EPA will send our decision letter regarding the Phase I construction end date extension to Save Our Sound and other interested parties.

5. Will you be responding to our comment letter?

We are currently evaluating the comments made in your April 1, 2014 and will respond to you once we complete our evaluation.

Please feel free to call me if you have any further questions.

Ida E. McDonnell, Manager
Air Permits, Toxics and Indoor Programs Unit
EPA-New England, Region 1
5 Post Office Square
Boston, MA 02109-3912
Phone 617-918-1653
Fax 617-918-0653

From: Sandy Taylor [<mailto:sandyt@saveoursound.org>]
Sent: Friday, August 08, 2014 2:14 PM
To: McDonnell, Ida
Subject: Follow up on 5/22/14 Cape with Audra Parker

Ida:

I am following up your call with Audra Parker regarding Cape Wind's CA permit on 5/22/14.

There were several questions that you were going to get back to us on after reviewing them with Jill Metcalf.

- What is the status of EPA's review of Cape Wind's **EXTENSION** request?
- What is the status on of Cape Wind request, timeline and process?
- Will the public have an opportunity to comment?
- EPA to provide a copy of their decision when made.
- Will you be responding to our comment letter (see attached)?

Thank you very much,
Sandy

Sandy Taylor
Executive Assistant
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508-775-9725 (f)
sandyt@saveoursound.org
www.saveoursound.org

Schena, Cristeen

From: Catri, Cindy
Sent: Thursday, October 02, 2014 12:51 PM
To: Williams, Ann
Cc: Lombardo, Ginny; Dierker, Carl
Subject: FW: Cape Wind's Construction and Operations Plan BOEM
Attachments: BOEM-2014-00099AckLetter(10-1-14).pdf

Looks like Mr. Haggerty made a direct FOIA request for any filing about Cape Wind's change from Quonset to NB.

From: Fnhaggerty@aol.com [mailto:Fnhaggerty@aol.com]
Sent: Wednesday, October 01, 2014 11:35 AM
To: paul.craffey@state.ma.us; john.logan@state.ma.us; joseph.coyne@state.ma.us; kathryn.ford@state.ma.us; Michael.F.Keegan@nae02.usace.army.mil; Stanley, Elaine; Lederer, Dave; Catri, Cindy; cmymers@apexcos.com; jrborkland@apexcos.com; RosanneM@maritimeinternational.org; christopher.Boelke@Noaa.gov; SNilson@CLEngineering.com; BCLOUTIER@STEAMSHIPAUTHORITY.com; michael.driscoll@state.ma.us; driscoll@savebuzzardsbay.org; MNIEMIEC@NIEMIECMARINE.COM; Kevin@Fairhavenshipyard.com; TBecica@verizon.net; WarrenShellfish@verizon.net; LINBERGMARINE@COMCAST.NET; eileen.feeney@state.ma.us; PierreB@maritimeinternational.org; robert.boeri@state.ma.us; Trippmarine@AOL.com; broth@fairhaven-ma.gov; 'GDolan@apexcos.com; 'jcrowther@apexcos.com; harnb@aol.com; BLLMEONE@aol.com; OBVDC@yahoo.com; kav704@yahoo.com; Peterson, David; EPickering@apexcos.com; christen.sardano@CBIFederalServices.com; Edward.Anthes-Washburn@newbedford-ma.gov; O'Neil, Kelsey; 'petersen@savebuzzardsbay.org; jakuba@savebuzzardsbay.org; Jonah.Mikutowicz@agmmarine.com; Mikaela.McDermott@newbedford-ma.gov; jamiseaportinn@aol.com; Jeffrey.Stieb@newbedford-ma.gov; awittenberg@s-t.com; news@wbsm.com; chris@quinnfisheries.com; 'mquinn4@umassd.edu; cmorris@MassCEC.com; millie.garcia-serrano@state.ma.us; kathy.creighton@cbifederaleservices.com; krose02740@yahoo.com; gus.santos@yahoo.com; ronray49@live.com; kbenevides1990@gmail.com; michele.paul.newbedford-ma.gov; raymond.holberger@newbedford-ma.gov; Lombardo, Ginny; JMcAllister@apexcos.com; vikas.tandon@cbifederaleservices.com; Maryellen.lorio@usace.army.mil; brett.young@maritime.edu; ellen.cebula@state.ma.us; louis.elisa@state.ma.us; burnhamassociates2@verizon.net; david.janik@state.ma.us; Michael.E.Walsh@usace.army.mil; Fnhaggerty@aol.com; CATHPOTTER@COMCAST.NET; BUDPOTTER@COMCAST.NET; JMLAV18@gmail.com; parkslittle@yahoo.com; sgrace@encorent.com; CKIRK21@gmail.com; prov52jr@yahoo.com; molly_sperduto@fws.gov; Philip.Weinberg@state.ma.us; benjamin.ericson@state.ma.us; jay.naparstek@state.ma.us; Paul.Locke@state.ma.us; gary.davis@state.ma.us; bwhite@masscec.com
Subject: Cape Wind's Construction and Operations Plan BOEM

Dear Mr. Haggerty,

Please see the attached correspondence regarding your request to the Bureau of Ocean Energy Management (BOEM) for a copy of the modification to Cape Wind's Construction and Operations Plan seeking BOEM's authorization to use the Massachusetts Marine Commerce Terminal in New Bedford as a staging area.

If you have any questions, please feel free to call us at (703) 787-1315, or email us at boemfoia@boem.gov.

Sincerely,

Rosemary Melendy
FOIA Officer
Bureau of Ocean Energy Management



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT

283 Riley St. RM 2117
Hingham, MA 01946

Telephone (508) 587-1315
Facsimile (508) 587-1360

October 1, 2014

Via Electronic Mail

Frank Haggerty
Fuhaggerty@aol.com

RE: President of Information Act (FOIA) Request No. BOEM-2014-00099

Dear Mr. Haggerty,

This letter is in reference to your request of September 22, 2014 to the Bureau of Ocean Energy Management (BOEM) for a copy of the modification to Cape Wind's Construction and Operations Plan seeking BOEM's authorization to use the Massachusetts Marine Commerce Terminal in New Bedford as a staging area. Because the material you requested is not currently available on the Web, the Bureau will be responding to your request under the provisions of the FOIA.

Your FOIA request has been assigned the control number BOEM-2014-00099. Please reference this number in your correspondence concerning this request.

BOEM Will Be Taking the 10 Workday Time Extension

Because we will need to search for and collect requested records from field facilities or other establishments that are separate from the office processing the request, we are taking a 10-workday extension under 43 CFR § 2.39. We will respond to your request by November 4, 2014, or notify you of any delay.

Fees

We have classified you as an "full either" requester. As such, you will be charged for search and duplication costs after the first two hours of search time and the first 100 pages of photocopies (or an equivalent volume). See 43 CFR § 2.39. If, after taking into consideration these entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See 43 CFR § 2.49(n)(1). If we determine fees will exceed this amount, we will notify you immediately and request your written agreement to pay the estimated fees.